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OGC 69-1401

30 July 1969

OGC Has Reviewed

MEMORANDUM FOR: Director of Central Intelligence

SUBJECT: Transcript of Ervin Hearing

1. This memorandum contains a recommendation in paragraph 5 for approval by the Director of Central Intelligence.

2. We have gone through the transcript of your 22 July 1969 appearance before Senator Ervin's Subcommittee, with special attention to Senator Ervin's request that the transcript be printed. You said, "I think it would be a very difficult text to edit in these terms, Mr. Chairman. I would like to simply ask your indulgence and not have it printed up." (Page 91.) Senator Ervin later said, "I am going to at least ask to let us submit a copy of the transcript to you and if you can indicate the parts that would not jeopardize the national security, leave that, and then have the other not printed," You replied, "All right, sir." (Page 93.) We think this answer was taken by Senator Ervin as agreeing to deletions and publication.

3. It is quite true that there are many individual statements which do not involve security. On the other hand, there are specific answers to questions which I would consider classified. The trouble is they are all part of one theme. If we print the portion which contains our most specific and serious objections to the Ervin bill, we thereby publish a blueprint for future harassment of the Agency. If we eliminate those portions we thereby lose any forceful grounds for exemption from the bill.

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EXCERPT

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4. I believe our position should be that we foresaw this situation when we said we could testify only in executive session and we understood that the Chairman's offer of the executive session was based on this position. Therefore, we believe the transcript should not be published in any part.

5. Before replying to Senator Ervin along this line, I recommend that the Legislative Counsel alert Senator Stennis to the problem and that you personally see Senator Eastland, not only to give him our position on the transcript, but also to discuss possible action in the full committee for exemption of the intelligence community.

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LAWRENCE R. HOUSTON
General Counsel

Attachment
Hearing Transcript

The recommendation in
paragraph 5 is approved

Director of Central Intelligence

31 JUL 1969

Date

Distribution:
O-Legislative Counsel
1-The Director
1-DDCI
1-Executive Director
1-ER
1-General Counsel

OGC:LRH:jeb

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